



Reprinted  
February 15, 2008

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## ENGROSSED HOUSE BILL No. 1179

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DIGEST OF HB 1179 (Updated February 14, 2008 3:09 pm - DI 106)

**Citations Affected:** IC 24-1.

**Synopsis:** Recovery for restraint of trade. Authorizes the attorney general to bring suit on behalf of the state or a political subdivision to recover direct or indirect damages suffered by the state as the result of certain unlawful acts in restraint of trade. Provides that a prevailing plaintiff is also entitled to treble damages and reasonable costs and attorney's fees.

**Effective:** Upon passage.

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**Moses, Murphy, Robertson, Frizzell**  
(SENATE SPONSORS — BRAY, LANANE)

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January 14, 2008, read first time and referred to Committee on Commerce, Energy and Utilities.

January 22, 2008, reported — Do Pass.

January 24, 2008, read second time, ordered engrossed.

January 25, 2008, engrossed.

January 28, 2008, read third time, passed. Yeas 94, nays 0.

SENATE ACTION

January 29, 2008, read first time and referred to Committee on Judiciary.

February 7, 2008, amended, reported favorably — Do Pass.

February 14, 2008, read second time, amended, ordered engrossed.

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EH 1179—LS 6895/DI 106+



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February 15, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1179

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 24-1-1-5.1 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 3 UPON PASSAGE]: **Sec. 5.1. The attorney general may bring an**
- 4 **action on behalf of the state or a political subdivision (as defined in**
- 5 **IC 34-6-2-110) for injuries or damages sustained directly or**
- 6 **indirectly as a result of a violation of this chapter.**
- 7 SECTION 2. IC 24-1-1-5.2 IS ADDED TO THE INDIANA CODE
- 8 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 9 UPON PASSAGE]: **Sec. 5.2. (a) The attorney general may bring an**
- 10 **action in a county on behalf of the state or a political subdivision**
- 11 **(as defined in IC 34-6-2-110) for injuries or damages sustained**
- 12 **directly or indirectly as a result of a violation of this chapter.**
- 13 **(b) An action brought under this section may be brought,**
- 14 **without respect to the amount in controversy, in a circuit or**
- 15 **superior court in a county in which the defendant resides or is**
- 16 **engaged in business, or in which service may be obtained.**
- 17 **(c) The plaintiff in an action brought under this section is**

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entitled to recover a penalty of threefold the damages awarded in the action, plus reasonable costs and attorney's fees.

SECTION 3. IC 24-1-2-5.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.1. The attorney general may bring an action on behalf of the state or a political subdivision (as defined in IC 34-6-2-110) for injuries or damages sustained directly or indirectly as a result of a violation of this chapter.**

SECTION 4. IC 24-1-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7. (a) Any person who shall be injured in his whose business or property is injured by any person or corporation by reason of the doing by any person or persons of anything forbidden or declared to be unlawful by a violation of this chapter may sue therefor bring an action in the circuit or superior court of any county in which the defendant or defendants or any of them, reside resides or are is found without respect to the amount in controversy, and shall is entitled to recover a penalty of threefold the damages which may be sustained awarded in the action, together with the costs of suit, including a reasonable attorney's fee: fees.**

**(b) The attorney general may bring an action under this section on behalf of the state or a political subdivision if the state or political subdivision has been directly or indirectly injured by a violation of this section.**

SECTION 5. IC 24-1-3-3.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.1. The attorney general may bring an action on behalf of the state or a political subdivision (as defined in IC 34-6-2-110) for injuries or damages sustained directly or indirectly as a result of a:**

**(1) contract or combination described in section 1 of this chapter; or**

**(2) violation of this chapter.**

SECTION 6. IC 24-1-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4. (a) Any person who shall, by any such has suffered injuries or damages as a result of a contract or combination as set out described in section 1 of this chapter, be injured or damaged in his business thereby, or by reason of anything forbidden or declared by this chapter to be unlawful; may maintain a suit therefor in any or by any other violation of this chapter, may bring an action in a circuit or superior court having jurisdiction thereof in the county where the defendant resides or in which he is engaged in business, or in any county where service may be obtained,**

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without respect to the amount in controversy. ~~and the~~ **The** plaintiff in ~~any such an~~ **any such an** action ~~brought under this section shall be~~ **brought under this section** is entitled to recover ~~all his~~ **all his** ~~threefold damages awarded in the action, plus~~ **threefold damages awarded in the action, plus** reasonable costs and ~~a reasonable attorney's fee fees. therein.~~ **a reasonable attorney's fee fees. therein.**

**(b) The attorney general may bring an action under this section on behalf of the state or a political subdivision.**

SECTION 7. IC 24-1-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a)** Any person ~~or persons or~~ **or persons or** corporations that may be injured or damaged by any such ~~who has~~ **who has** suffered injuries or damages as a result of an arrangement, contract, agreement, trust, or combination described in section 1 of this chapter may ~~sue for and recover~~ **bring an action** in any court of competent jurisdiction in this state of any person, ~~persons, or corporations~~ **persons, or corporations** operating such trust or combination to recover the full consideration or sum paid by him or them ~~the person~~ **the person** for any goods, wares or merchandise, or article the sale of which is controlled by ~~such the~~ **such the** combination or trust. **In addition, the person is entitled to recover a penalty of threefold the damages awarded in the action, plus reasonable costs and attorney's fees.**

**(b) The attorney general may bring an action under this section on behalf of the state or a political subdivision.**

SECTION 8. IC 24-1-4-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. **The attorney general may bring an action on behalf of the state or any political subdivision (as defined in IC 34-6-2-110) that has been directly or indirectly injured or damaged by:**

- (1) an arrangement, agreement, trust, or combination described in section 1 of this chapter; or**
- (2) any other violation of this chapter.**

SECTION 9. **An emergency is declared for this act.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Energy and Utilities, to which was referred House Bill 1179, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

CROOKS, Chair

Committee Vote: yeas 11, nays 0.

## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1179, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective dates in SECTIONS 1 through 8 with "[EFFECTIVE UPON PASSAGE]".

Page 3, after line 29, begin a new paragraph and insert:

"SECTION 9. **An emergency is declared for this act.**".

and when so amended that said bill do pass.

(Reference is to HB 1179 as printed January 22, 2008.)

BRAY, Chairperson

Committee Vote: Yeas 6, Nays 0.

## SENATE MOTION

Madam President: I move that Engrossed House Bill 1179 be amended to read as follows:

Page 2, line 11, delete "directly or indirectly".

Page 2, line 22, after "subdivision" insert "**if the state or political subdivision has been directly or indirectly injured by a violation of this section**".

(Reference is to EHB 1179 as printed February 8, 2008.)

BRAY

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